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TAGS: [EWWT](#) [MARR](#) [PGOV](#) [PHSA](#) [PHUM](#) [PREL](#)
SUBJECT: DEMARCHE - DELIVERY OF M/V AMIRA PIRACY SUSPECT
TO KENYA

REF: A. STATE 50885 B. STATE 51374

SUMMARY

1. Department requests that Embassy approach the Government of Kenya (GOK) at the earliest possible opportunity to confirm that the United States wishes to deliver 17 suspected pirates currently in the custody of the U.S. Navy, for the piratical attack on May 13 of the bulk carrier M/V AMIRA. The United States actively engaged Egypt and Greece (reftel cables) to accept the 17 suspected pirates but we were unable to reach agreement within the necessary time frame.

OBJECTIVES

2. Post should convey that the United States appreciates Kenya's willingness to accept and try suspected pirates (SPs), a critical component of international efforts to curb piracy off the coast of Somalia. Toward that end, we welcome Kenya's Diplomatic Note of June 2 offering to accept the 17 suspected pirates implicated in the attack on the AMIRA and wish to move ahead with delivery of suspects on/about June 10.

3. We understand the need to address GOK concerns that Kenya has become the default country to approach whenever suspected pirates are apprehended at sea. Post may specifically cite our appeals to the governments of both Greece and Egypt to accept the AMIRA suspects. Unfortunately, we were unable to garner positive responses in the necessary time frame.

4. Post should inform the GOK that we are engaging and will continue to actively engage other countries to accept and prosecute suspected pirates both in general and as specific cases arise. The United States also continues to press international partners to adopt the principle that states affected by piracy) whether because the ship attacked was flying their flag, was owned by their nationals, included their nationals among its crew, or for other reasons) should favorably consider prosecution in those cases. Most recently in the plenary meeting of the Contact Group on May 29 in New York, other partners objected to a strong statement of this principle. The United States could use the support of Kenya in advocating for shared responsibility for prosecution.

BACKGROUND

5. USS GETTYSBURG is holding 17 suspected pirates seized from the attempted pirating on May 13 of the Egyptian-flagged, Greek-owned bulk carrier M/V AMIRA, which had on board 20 Egyptian and 1 Romanian crewmembers and 3 UK security guards. M/V AMIRA was attacked in international waters by men in a skiff operating from a mother ship, reportedly registered in Puntland, Somalia. The 17

suspects, all of whom are believed to be Somali, were taken from both the mother ship and the skiff. The embarked U.S. Coast Guard Law Enforcement Detachment aboard GETTYSBURG reports a strong evidentiary case for prosecution, including witness statements, video, photographs, seized vessels, weapons, ammunition, and boarding paraphernalia.

¶6. The United States demarched Greece and Egypt on May 25 and 26 to accept the suspected pirates for prosecution. Greece deferred to Egypt and Egypt did not return a definitive response. Given the imperative to get the SPs off the Gettysburg and allow it to return to its core mission, we have decided to move forward with the Kenya option.
CLINTON